

January 30, 1976

SENATOR ANDERSON: Is Senator Barnett finished?

PRESIDENT: For now, I think so. He will be back.

SENATOR ANDERSON: Okay, I think the bill does make a reasonable request. That it is allowing the Legislature to make a policy judgment. What we are talking about here is not every case of appeal. First of all, this particular bill does not touch an appeal where there is a party other than the applicant and the Commission involved. So if the local municipality recommends denial and they are pursuing an appeal or if there is another resident of the community that protests, then the cases would still be heard in the local district court. This particular bill says that if we are down only to the applicant and the Commission and there is an appeal, and this is an appeal of the Commission's decision on not issuing a license, then the appeal would be heard in Lancaster County. Of course, it is primarily a fiscal move. It is designed to save the Commission some money to allow their attorney to be better used, to spend his time pursuing cases and pursuing legal matters rather than running around the state eating up travel expenses. So this is the reason for the bill and this is the reason why our Committee advanced the bill to the floor.

PRESIDENT: Senator Kennedy.

SENATOR KENNEDY: Mr. President and fellow members, I certainly would rise to support Senator Cavanaugh in his motion which I feel it will give the people, again we were talking this morning and yesterday, but give the people an opportunity to hear their case at home and I do not think we should put the hardship that this bill might be doing to the people outstate. I appreciate Senator Cavanaugh's thoughts on this and do wish to support him.

PRESIDENT: Senator Dworak, did you wish to be recognized again? Senator Cavanaugh, will you please close debate on this? Senator Cavanaugh.

SENATOR CAVANAUGH: Well, I will close because the absence of debate, and last time we discussed this, it didn't seem that this would have any trouble either but I think I just have to reiterate that the question here is whether or not you are going to afford the citizens of your various districts the convenience... now what we are talking about is after they have been to the Liquor Commission. They have already been down here. They have had a hearing and there has been some disposition and now they want to appeal it. Now in every other case of dealing with the government or a government agency in which the citizen has some controversy with the government agency of the State of Nebraska, he would then file his case in the district court of the county in which he resides. If he is in Scottsbluff, he would file his case in Scottsbluff. If he was in Kearney, he would file it in Kearney.